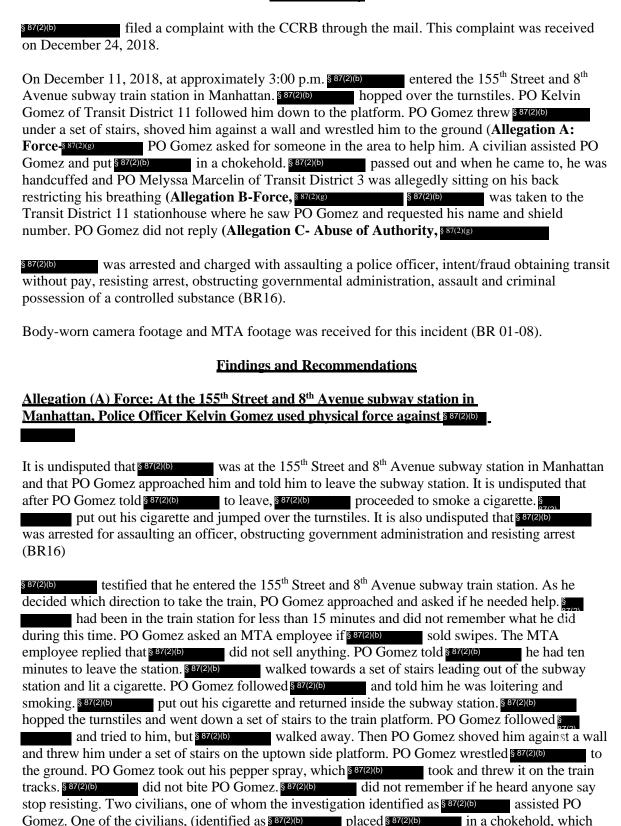
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	▼ Force	Discourt.	U.S.
Whitney Beber		Squad #6	201810753	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL	EO SOL
Tuesday, 12/11/2018 3:50 PM		155th Street and 8th Avenue Train Station		28	6/11/2020	1/26/2021
Date/Time CV Reported		CV Reported At: How CV Reported: Date/Time Received at CCRE		RB		
Tue, 12/18/2018 10:03 AM		CCRB Mail Mon, 12/24/2018		/24/2018 2:00 PM		
Complainant/Victim	Type	Home Addre	ss	•		
Witness(es) Home Address						
Subject Officer(s)	Shield	TaxID	Command			
1. POM Kelvin Gomez	21491	951777	TB DT11			
2. POF Melyssa Marcelin	14676	960867	TB DT03			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. POM John Davis	00184	957517	TB DT11			
2. POM Travis Burks	16759	959522	TB DT03			
Officer(s)	Allegatio	on		Inv	vestigator Recon	nmendation
A.POM Kelvin Gomez	Force: At the 155th Street and 8th Avenue subway station in Manhattan, Police Officer Kelvin Gomez used physical force					
	against § 8		Gomez useu pirysic	car rorec		
B.POF Melyssa Marcelin	Force: At the 155th Street and 8th Avenue subway station in					
	Manhattan, Police Officer Melyssa Marcelin restricted breathing.					
C.POM Kelvin Gomez	Abuse: At the Transit District 11 stationhouse Police Officer					
	Kelvin Gomez refused to provide his name to § 87(2)(b)					

Case Summary



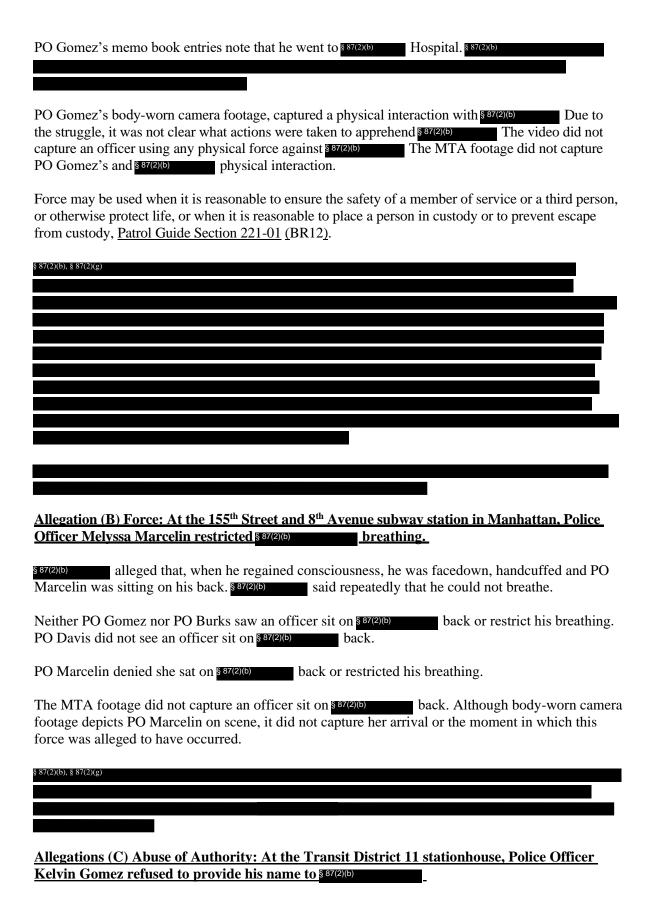
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rendered him unconscious.

obtained from the MTA employee because the physical altercation occurred on the train platform, not in view of the MTA booth. PO Gomez testified that an MTA employee informed him \$87(2)(b) sold metro card swipes and acted disorderly, \$87(2)(6) did not let people in the subway station. He also asked civilians for money and threw soda cans and cigarettes on the floor. The MTA worker told PO Gomez she wanted out. PO Gomez did not observe any of these actions but based on the MTA employees to leave the station. § 87(2)(b) request, he asked § 87(2)(b) did not comply and PO Gomez issued this order five times. § 87(2)(b) yelled and cursed at PO Gomez and smoked a cigarette. I threw the cigarette on the floor, spat on the floor and avoided fare payment by jumping the turnstile. PO Gomez followed \$37(2)(b) down a set of stairs leading to the train. PO Gomez hand before he could get on a train. PO Gomez requested § 87(2)(b) identification. § 87(2)(b) pushed PO Gomez once in his chest and swung towards him. No contact was made. § 87(2)(b) was under arrest at that point. PO Gomez grabbed and threw § 87(2)(b) the ground by grabbing his legs and taking his legs out from under him. § 87(2)(b) back. PO Gomez called out for help and a civilian, \$87(2)(b) who was in the area, assisted. PO Gomez told § 87(2)(b) to stop resisting and told him to give him his hands. § 87(2)(b) Gomez that he would not provide his hands. § 87(2)(b) scratched PO Gomez's cheek and as PO bit PO Gomez's right arm. § 87(2)(b) Gomez called back up, § 87(2)(b) pulled away from PO pushed PO Gomez in his face and at one point his fingers were in PO Gomez's teeth. § 87(2)(b) grabbed one of § 87(2)(b) hands. Additional officers responded and assisted with placing handcuffs on § 87(2)(b) PO Marcelin testified that she and PO Travis Burks of Transit District 3 were on the southbound D platform, when she observed PO Gomez, \$87(2)(b) and a construction worker, \$87(2)(b) struggling on the floor of the platform. She could not describe in any detail what actions were taken. PO Burks and PO Marcelin ran over to assist PO Gomez. PO Gomez's pepper spray was on the train tracks. One of \$87(2)(b) wrist was handcuffed. PO Marcelin and PO Burks finished handcuffing PO Burks' § 87(2)(b), § 87(2)(g) PO Marcelin. When they arrived at the platform, PO away from PO Gomez and were able to handcuff him. Burks pulled \$87(2)(b) arresting officer, Police Officer John Davis of Transit District 11testified that when he arrived on scene, \$87(2)(b) was handcuffed and PO Gomez's face was bleeding. PO Gomez's line of duty injury report noted that during the arrest of \$37(2)(b) PO Gomez sustained a laceration when \$87(2)(6) scratched his right cheek. PO Gomez was bit on the right The report included a witness statement from § 87(2)(b) that § 87(2)(b) not compliant. PO Gomez tried to affect an arrest, so \$37(2)(b) tried to help him. \$37(2)(b) to bite §87(2)(b) and PO Gomez. Another civilian assisted them and together they put his arms behind his back and arrested § 87(2)(b) (BR 09). TRI #2018-032-000172 was reported by PO Gomez. He noted that §87(2)(b) pushed/shoved him, bit his right forearm and inflicted a laceration to his right cheek. The photographs attached to his TRI showed a laceration to PO Gomez's right cheek. It also noted that PO Gomez used a forcible takedown against \$87(2)(b) in defense of himself and to overcome resistance or aggression (BR10).

No statement was obtained from \$37(2)(b) because he was uncooperative. No statement was

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alleged that while at the Transit District 11 stationhouse and while waiting to leave to go to the hospital, he saw PO Gomez and requested his name. PO Gomez did not reply.
PO Gomez never saw \$87(2)(b) after their interaction at the subway station. PO Gomez never had any conversation with \$87(2)(b) about his name. PO Gomez never heard \$87(2)(b) ask for his name during the incident.
PO Davis did not hear PO Gomez refuse to provide his name to \$87(2)(b)
§ 87(2)(b), § 87(2)(g)
Civilian and Officer CCRB Histories
had been a party to four CCRB complaints and has been named as a victim in 31 allegations (BR13).
PO Gomez has been a member of the NYPD for seven years and has been a subject in two CCRB complaints and five allegations (4 for this case). PO Marcelin has been a member of the NYPD for three years and this is the first CCRB complaint to which she has been a subject.
Mediation, Civil and Criminal Histories
This case was not suitable for mediation. As of November 13, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR14). According to the Office of Court Administration (OCA), \$37(2)(5) between April 6, 2003,
and December 13, 2019, \$87(2)(b) was convicted of \$87(2)(b) possession of a controlled substance, assault, escaping

custody, possession of a weapon and trespassing § 87(2)(b)

(BR15).

Squad No.:			
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date